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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,347	04/09/2001	Thomas M. Stephany	82284SLP	1341

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EXAMINER

AGGARWAL, YOGESH K

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/829,347

Applicant(s)

STEPHANY ET AL.

Examiner

Yogesh K Aggarwal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merrick (US Patent # 6,433,784) in view of Windle (US Patent # 6,606,117) and in further view of White (US Patent # 5,734,794).

[Claim 1]

Merrick et al. teaches a method of generating an animation model (col. 3 lines 58-63), comprising an image display and displaying a template in the image display (figure 3) and generating an animation model with animation preparation application (figure 1: 100) using pre-produced characters preferably produced to a template-gesture for gesture and stored in character database 135 (col. 8 lines 16-21, col. 12 lines 60-67, figures 1 and 3).

Merrick teaches generating templates on a display provided in a computer but fails to teach specifically that the different templates can be generated on a display device provided in an image capture device which captures an image of a subject when the subject is framed by the template. However Windle teaches that it is well known and used in the art to have a camera 202 (figures 2-6) providing a list of templates (figure 3: 301) to be displayed on the LCD 203 (col. 6 lines 1-11). The digital still camera 202 is used in taking a picture of the subject matter 201 (figure 2), which is displayed on the LCD 203. After the

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template mode button 204 is pressed the subject can be framed by the template (col. 7 lines 24-31).

Therefore taking the combined teachings of Merrick and Windle it would have been obvious to one skilled in the art at the time of the invention to have been motivated to generate an animation model with templates as taught in Merrick and the live still pictures being captured by the camera of Windle. The benefit of doing so would be to improve the composition of the resultant photograph when the user can change the position of the camera until the subject is aligned within the circle or oval template corresponding to the shape of a subject as taught in Windle (col. 7 lines 27-31).

Merrick and Windle specifically fail to teach that the digital still photographs can be used to generate animation. However White teaches that it is well known and used in the art to specially photograph a character from different camera angles and combine them to generate animated video sequence (col. 1 lines 66-67, col. 2 lines 1-22).

Therefore taking the combined teachings of Merrick, Windle and White it would have been obvious to one skilled in the art at the time of the invention to generate an animation model as taught in Merrick using the template alignment scheme of Windle by capturing digital still photographs which can be used to generate animation as is taught in White. The benefit of doing so would be to provide a computer-based system and method for automated animation.

[Claim 2]

Windle teaches displaying the captured image on the image display and verifying the alignment of the template with the captured image (col. 7 lines 24-42) which is done prior to generating an animation model as taught by Merrick (col. 13 lines 22-32).

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[Claim 4]

Merrick et al. teaches a method of generating an animation model (col. 3 lines 58-63), comprising an image display and displaying different templates in the image display (figure 3) and generating an animation model with animation preparation application (figure 1: 100) using pre-produced characters preferably produced to a template-gesture for gesture and stored in character database 135 (col. 8 lines 16-21, col. 12 lines 60-67, figures 1 and 3).

Merrick teaches generating different kinds of templates on a display provided in a computer but fails to teach specifically that an image capture device in which the image capture device having an image display and first and second template; aligning the first template with a subject; capturing a first image of the subject; displaying the second template in the image display; aligning the second template with a subject; capturing a second image of the subject. However Windle teaches that it is well known and used in the art to have a camera 202 (figures 2-6) providing a list of templates (figure 3: 301) to be displayed on the LCD 203 (col. 6 lines 1-11). The digital still camera 202 is used in taking a picture of the subject matter 201 (figure 2), which is displayed on the LCD 203. After the template mode button 204 is pressed the subject can be framed by the template (col. 7 lines 24-31). Windle is silent about having a second template different from the first template but Merrick teaches different templates (col. 12 lines 59-67) being used for composite behavior generation (col. 14 lines 1-7). Therefore it would have been obvious to one skilled in the art at the time of the invention to have a second template different from the first template being used for image alignment as taught in Windle being used for generating an image of composite behavior.

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Merrick and Windle specifically fail to teach that the digital still photographs can be used to generate animation. However White teaches that it is well known and used in the art to specially photograph a character from different camera angles and combine them to generate animated video sequence (col. 1 lines 66-67, col. 2 lines 1-22).

Therefore taking the combined teachings of Merrick, Windle and White it would have been obvious to one skilled in the art at the time of the invention to generate an animation model as taught in Merrick using the template alignment scheme of Windle by capturing digital still photographs which can be used to generate animation as is taught in White. The benefit of doing so would be to provide a computer-based system and method for automated animation.

[Claim 5]

Windle teaches displaying the captured image on the image display and verifying the alignment of the template with the captured image (col. 7 lines 24-42) which is done prior to generating an animation model as taught by Merrick (col. 13 lines 22-32).

[Claim 6]

Merrick teaches a step of reviewing the animation model on the image display (col. 17 lines 5-9).

[Claims 7 and 8]

Merrick et al. teaches a method of generating an animation model (col. 3 lines 58-63), comprising an image display and displaying different templates like first, second, third and fourth templates in the image display (col. 12 lines 60-67, col. 13 lines 1-15, figure 3) wherein the first template representative of a front view of a subject, the second template representative of a first side view of the subject, the third template representative of a back

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view of the subject, and the fourth template representative of a second side view of the subject and generating an animation model with animation preparation application (figure 1: 100) using pre-produced characters preferably produced to a template-gesture for gesture and stored in character database 135 (col. 8 lines 16-21, col. 12 lines 60-67, figures 1 and 3).

Merrick teaches generating first, second, third and fourth template templates on a display provided in a computer but fails to teach specifically an image capture device in which the image capture device having an image display and first, second, third and fourth template aligning the first template with the subject; capturing a first image of the subject; (e) repeating steps (b) through (d) using the second, third, and fourth templates to capture a second, third, and fourth image, respectively.

A method of generating an animation model, comprising: (a) providing an image capture device, the image capture device having an image display and first, second, third, and fourth templates, the first template representative of a front view of a subject, the second template representative of a first side view of the subject, the third template representative of a back view of the subject, and the fourth template representative of a second side view of the subject; (b) displaying the first template in the image display; (c) aligning the first template with the subject; (d) capturing a first image of the subject; (e) repeating steps (b) through (d) using the second, third, and fourth templates to capture a second, third, and fourth image, respectively; and (f) generating an animation model using the captured first, second, third, and fourth images. However Windle teaches that it is well known and used in the art to have a camera 202 (figures 2-6) providing a list of templates (figure 3: 301) to be displayed on the LCD 203 (col. 6 lines 1-11). The digital still camera 202 is used in taking

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a picture of the subject matter 201 (figure 2), which is displayed on the LCD 203. After the template mode button 204 is pressed the subject can be framed by the template (col. 7 lines 24-31). Windle is silent about having second, third and fourth templates different from the first template but Merrick teaches different templates (col. 12 lines 59-67) being used for composite behavior generation (col. 14 lines 1-7). Therefore taking the combined teachings of Merrick and Windle, it would have been obvious to one skilled in the art at the time of the invention to have a second, third and fourth templates different from the first template being used for image alignment as taught in Windle and then used for generating an image of composite behavior as taught in Merrick.

Merrick and Windle specifically fail to teach that the digital still photographs can be used to generate animation. However White teaches that it is well known and used in the art to specially photograph a character from different camera angles and combine them to generate animated video sequence (col. 1 lines 66-67, col. 2 lines 1-22).

Therefore taking the combined teachings of Merrick, Windle and White it would have been obvious to one skilled in the art at the time of the invention to generate an animation model as taught in Merrick using the template alignment scheme of Windle by capturing digital still photographs which can be used to generate animation as is taught in White. The benefit of doing so would be to provide a computer-based system and method for automated animation.

[Claim 9]

Windle teaches displaying the captured image on the image display and verifying the alignment of the template with the captured image (col. 7 lines 24-42) i.e. the image display is adapted to display the captured image with any one of the templates.

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[Claim 10]

Merrick teaches different kinds of templates of a person and the outline for the template is representative of the head of the person like face front, face left, face rear left (col. 12 lines 60-67, col. 13 lines 1-15).

[Claim 11]

Merrick teaches different types of templates (col. 12 lines 59-67, col. 13 lines 1-15) but suggests that other types of templates can be substituted in place of the ones suggested.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Merrick (US Patent # 6,433,784) in view of Segan et al. (US Patent # 5,708,883) and in further view of White (US Patent # 5,734,794).

[Claim 3]

Merrick et al. teaches a method of generating an animation model (col. 3 lines 58-63), comprising an image display and displaying a template in the image display (figure 3) and generating an animation model with animation preparation application (figure 1: 100) using pre-produced characters preferably produced to a template-gesture for gesture and stored in character database 135 (col. 8 lines 16-21, col. 12 lines 60-67, figures 1 and 3).

Merrick teaches generating templates on a display provided in a computer but fails to teach specifically that the different templates can be generated on an image capture device having a viewfinder, viewing the different templates in the viewfinder and capturing an image of the subject when the template is aligned with a subject. However Segan et al. teaches that it is well known and used in the art to have a camera (figure 1: 10) having a viewfinder lens (figure 1: 11) and two taking lenses (figure 1: 12, 14). Segan further teaches a two-part reference alignment template 56a, 56b providing an outline through

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which the image seen in the camera's viewfinder lens 11 can be seen for more reliable alignment (col. 4 lines 11-20, figure 4).

Therefore taking the combined teachings of Merrick and Segan it would have been obvious to one skilled in the art at the time of the invention to have been motivated to generate an animation model with templates as taught in Merrick and the live still pictures being captured by the camera of Segan. The benefit of doing so would be to provide more reliable alignment of the subject as taught in Segan (col. 4 lines 14-15).

Merrick and Segan specifically fail to teach that the digital still photographs can be used to generate animation. However White teaches that it is well known and used in the art to specially photograph a character from different camera angles and combine them to generate animated video sequence (col. 1 lines 66-67, col. 2 lines 1-22).

Therefore taking the combined teachings of Merrick, Segan and White it would have been obvious to one skilled in the art at the time of the invention to generate an animation model as taught in Merrick using the template alignment scheme of Segan by capturing photographs which can be used to generate animation as is taught in White. The benefit of doing so would be to provide a computer-based system and method for automated animation.

4. Claims 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Segan et al. (US Patent # 5,708,883) in view of Merrick (US Patent # 6,433,784).

[Claim 12]

Segan et al. teaches that it is well known and used in the art to have a camera (figure 1: 10) having a viewfinder lens (figure 1: 11) and two taking lenses (figure 1: 12, 14). Segan further teaches a two-part reference alignment template 56a, 56b different from each other

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providing an outline through which the image seen in the camera's viewfinder lens 11 can be seen for more reliable alignment (col. 4 lines 11-20). Further w.r.t the limitation of a rotating member Segan teaches a rotatable template member (figure 1: 16) for moving the first and second template member 56a, 56b relative to the two viewfinder taking lenses 12 and 14.

Segan teaches a two-part reference alignment member but fails to teach third and fourth template comprising an outline representative of a predetermined position. However Merrick teaches different templates (col. 12 lines 59-67) being used for composite behavior generation (col. 14 lines 1-7). Therefore taking the combined teachings of Windle and Merrick, it would have been obvious to one skilled in the art at the time of the invention to have a second, third and fourth templates different from the first template being used for image alignment as taught in Windle and then used for generating an image of composite behavior as taught in Merrick.

[Claim 13]

Merrick et al. teaches a method of generating an animation model (col. 3 lines 58-63), comprising an image display and displaying different templates like first, second, third and fourth templates in the image display (col. 12 lines 60-67, col. 13 lines 1-15, figure 3) wherein the first template representative of a front view of a subject, the second template representative of a first side view of the subject, the third template representative of a back view of the subject, and the fourth template representative of a second side view of the subject and generating an animation model with animation preparation application (figure 1: 100) using pre-produced characters preferably produced to a template-gesture for gesture

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and stored in character database 135 (col. 8 lines 16-21, col. 12 lines 60-67, figures 1 and 3).

[Claim 14]

Merrick teaches different kinds of templates of a person and the outline for the template is representative of the head of the person like face front, face left, face rear left (col. 12 lines 60-67, col. 13 lines 1-15).

[Claim 15]

Merrick teaches different types of templates (col. 12 lines 59-67, col. 13 lines 1-15) but suggests that other types of templates can be substituted in place of the ones suggested.

[Claim 16]

Segan et al. teaches a rotating plate (figure 1: 16) being used as a template member comprising a first and second template (figure 4: 56a and 56b) wherein the first template is used as an outline of a front view of a subject. Segan et al. fails to teach a second template representative of a second side view of the subject and a third and fourth template representing back view and a second side view of the subject. However Merrick teaches different templates like face-front, face left and face rear-left (col. 12 lines 59-67) being used for composite behavior generation (col. 14 lines 1-7). Therefore taking the combined teachings of Segan and Merrick, it would have been obvious to one skilled in the art at the time of the invention to have a second, third and fourth templates different from the first template being used for image alignment and then used for generating an image of composite behavior as taught in Merrick.

[Claim 17]

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Segan teaches a template member 16 (figure 1) attached to a camera 10, which inherently requires some kind of attaching means for attaching the template member to an image capture device.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

i. Hashimoto (US Patent # 6,434,278).

ii. FUJIFILM MX-2900 digital camera manual discloses different kinds of templates being used for images.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K Aggarwal whose telephone number is (703) 305-0346. The examiner can normally be reached on M-F 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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YKA
July 19, 2004


TUAN HO
PRIMARY EXAMINER